

Office of the State Public Defender

Administrative Policies

Subject: Pre-Approval of Client Costs	Policy No.: 125
Title:	Pages: 3
Section:	Last Review Date:
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1.0 POLICY

- 1.1 The Office of the State Public Defender (OPD) requires pre-approval of all client costs expected to exceed \$200 per task in all cases.
- 1.2 All cases involving salaried (FTE), contract and conflict attorneys, including appellate cases, are subject to this policy.

2.0 DEFINITIONS

- 2.1 Client costs, hereinafter called costs, shall be defined as all monies to be expended in the preparation, investigation and litigation of public defender cases.
- 2.2 A task shall be defined as work performed by a nonattorney in the preparation, investigation and litigation of a public defender case.

3.0 PROCEDURE

3.1 Costs Between \$200 and \$999

- 3.1.1 The pre-approval process for all costs expected to exceed \$200 per task shall commence with the completion of the Request for Pre-approval of Costs form (Attachment A) by the attorney assigned to the case.
- 3.1.2 The form must be signed and dated by the requesting attorney and forwarded to one of the following persons for approval:
 - 3.1.2.1 For non-conflict cases assigned to an FTE or contract attorney, submit the request to the Regional Deputy Public Defender (RDPD) assigning the case; or
 - 3.1.2.2 For conflict cases, submit the request to the Training Coordinator; or
 - 3.1.2.3 For appellate cases, submit the request to the Chief Appellate Defender. Appellate transcript requests are exempt from this policy.
- 3.1.3 The RDPD, Training Coordinator or Chief Appellate Defender shall review the request and shall explore alternative, fiscally responsible options with the attorney before approving or denying said request by checking the appropriate box on the form and then signing and dating the same.
- 3.1.4 The original form is to be retained by the person approving or denying the request and a copy thereof forwarded to the requesting attorney.

3.2 Costs Equal to or Exceeding \$1000

- 3.2.1 Regional Deputy Public Defenders will submit requests for costs expected to exceed \$1000 to the Central Office for approval.
 - 3.2.1.1 The RDPD must certify that they have reviewed the request, explored alternative, fiscally responsible options with the

requesting attorney and must include a recommendation to approve or deny the request, sign and date the form and forward the same to the Central Office via fax.

3.2.1.2 Requests from FTE attorneys will be reviewed by the Chief Public Defender. Requests from contract attorneys will be reviewed by the Contract Manager.

3.2.1.3 The Chief Public Defender or Contract Manager shall approve or deny the request by checking the appropriate box on the form and then signing and dating the same.

3.2.1.4 The form will be returned by fax to the RDPD, who should retain the same and forward a copy of the finalized form to the requesting attorney. The copy signed by the Chief Public Defender or the Contract Manager will be retained by the Central Office.

3.2.2 The Training Coordinator is authorized to approve costs exceeding \$1000 for conflict cases.

3.2.3 The Chief Appellate Defender is authorized to approve costs exceeding \$1000 for appellate cases.

3.3 The assigned attorney is responsible for keeping the pre-approved costs within the pre-approved amount. He or she must be familiar with the task being provided and the cost of the task as funds are being expended. If costs are anticipated to exceed the pre-approved amount, the task must be resubmitted for approval of the new amount.

3.4 The original pre-approval forms are to be used to track the pre-approved costs, and are to be attached to the claim form when they are forwarded to the Central Office for final payment. Tasks that are billed incrementally are to have a copy of the pre-approval attached with a notation indicating the remaining funds available.

4.0 CLOSING

Questions about this policy should be directed to OPD at the following address:

Office of the State Public Defender
Administrative Service Division
44 West Park
Butte, MT 59701
Phone 406-496-6080

ATTACHMENT A

State of Montana
Office of the State Public Defender

REQUEST FOR PRE-APPROVAL OF CLIENT COSTS

All client costs exceeding \$200 per task in each case must be pre-approved by submitting this request form to the appropriate person as follows:

- The Regional Deputy Public Defender in cases assigned to an FTE, or a non-conflict case assigned to a contract attorney
- The Training Coordinator in cases assigned to conflict attorneys (*Eric Olson, 610 N. Woody, Missoula MT 59802*)
- The Chief Appellate Defender in appellate cases (*Jim Wheelis, PO Box 200145, Helena MT 59620*)

Requesting Attorney's Name _____ Date _____

Case Name _____ OPD Case Number _____

Task Provider's Name _____ Estimated Cost of Task _____

Short Justification for Task and Cost: _____

Requesting Attorney Signature _____ Date _____

The Requesting Attorney must complete and forward this form to the appropriate person for approval (see above).

Authorized Signature ☐ Approve ☐ Deny _____ Date _____

(Regional Deputy Public Defenders must complete the next section and submit to the Central Office for approval if the request exceeds \$1000. The Chief Public Defender will review FTE attorney requests. The Contract Manager will review contract attorney requests.)

I certify that I have reviewed the request which exceeds \$1000; have explored alternative, financially responsible options with the requesting authority, and recommend that the request be ☐ Approved ☐ Denied

Authorized Signature _____ Date _____

For Central Office Use Only—Non-Conflict Requests Exceeding \$1000

☐ Approve ☐ Deny

Contract Manager/Chief Public Defender _____ Date _____

OPD May, 2007